ARTHUR'S CLUB

REMARKS

ON THE

ANATOMY BILL

NOW BEFORE PARLIAMENT,

IN

A LETTER

ADDRESSED TO

THE RIGHT HON. THE LORD ALTHORP,

AND GIVEN TO

THE MEMBERS OF EITHER HOUSE

ON

THEIR PERSONAL OR WRITTEN APPLICATION TO THE PUBLISHER.

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&c. &c. &c.

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REMARKS

ON THE PROPOSED

ANATOMY BILL,

&c. &c.

THREE years have passed away since I had the honor of addressing a letter to the Right Honourable the Secretary of State for the Home Department on the subject of the Report of the Select Committee of the House of Commons on Anatomy. The opinions, and the arguments adduced in support of them (contained in that letter) have not been refuted. The opinions have, it is true, been opposed by other opinions, but the arguments have remained unanswered and untouched. Since that period, a Bill has been brought into Parliament for the regulation of the study of anatomy, and has been thrown out; and many circumstances have occurred with which it is possible your Lordship may not be thoroughly acquainted, and of which it is certain the public is nearly ignorant.

In my former letter, pages 25 and 26, I drew the attention of the Secretary of State to the fact, "that the dealing in dead bodies gives an opportunity of committing murder with impunity." I did not hesitate to state privately, at the same time, to several Members of Parliament, and particularly to Mr. Hume and to Mr. Fowell Buxton, my belief that it was then actually taking place, which these gentlemen would scarcely credit, until the horrible events which took place at Edinburgh removed every doubt. The more fearful ones which have lately occurred in London prove the continuance of the practice; and it is again with a perfect conviction of the fact, I state to your Lordship, that it is still going on in England, and must go on, unless the law relating to anatomy be altered, and its study protected. It is not to London or Edinburgh that these murders are confined. It is in other towns and places in England that they can be perpetrated with even greater security. It is from the country towns and places in the heart of England that the anatomical schools of London and of Scotland are supplied. Ten pounds are allowed for each body on the spot where it is disinterred, stolen, or where the person is murdered. The package and conveyance by coach or steamer costs two pounds ten shillings; and arriving at its destination after a lapse of four or five days, no one can tell under what circumstances the body was deprived of life. The safe disposal of the body

of a murdered person is the most difficult part of the crime to accomplish. It is the body which usually causes the alarm, excites attention, and leads to the discovery and subsequent conviction of the offender. But in all these cases, if the murderer exercises but a common degree of caution, he is almost sure to escape detection, to avoid even suspicion. If Bishop and Williams had not been so hardened (and I almost fear to express my belief in it) by repeated success in disposing of the bodies of murdered persons, as to think themselves secure from all chance of discovery, they would not have offered a body stained with blood for sale. Anatomists know full well that unless teeth are drawn from a living body, or one just deprived of life, the gums do not bleed. They know that blood does not follow a cut on the forehead of a dead man; and if this sign of violence had not been present, and the body had been kept three or four days longer, until it had lost its freshness, I have no hesitation in affirming that Bishop and Williams would have been yet alive to commit more murders.

The ways of depriving man of life without leaving the slightest signs of injury, are so many, so simple, and so secure from detection, that if the traffic in dead bodies is not put a stop to, the life of every man will be in danger. New and unknown crimes will spring up in the country; revenge will give an impulse to the hand of the assassin; other motives than gain will stimulate to the deed, and other men in other spheres of life than Burke or Bishop or Williams, will follow in their footsteps. The time has arrived when something ought to be done. The poor require protection, the lame, the sick, the blind, the helpless, the thoughtless, and the inconsiderate may be daily sacrificed with impunity; the parent may be deprived of his offspring, the child left helpless and destitute through the loss of its parent, and left perhaps to future misery and crime, whilst nothing is done to prevent it. The rich are free from this evil; and shall it be said that they stand by and suffer the poor to be so treated, in order that they may receive the advantage without partaking of the danger? I would not wish to be unjust, or even too severe, but I cannot help thinking, that if our legislators were alike exposed to it, they would not be long before they found the means of removing it. The fear of the loss of popularity, or whatever more conscientious scruples they might have, would yield to the extent and the proximity of the evil. There are, I believe, only two ways of proceeding. The one is, to shut up the schools of anatomy and forbid dissection, and the traffic in dead bodies altogether, under pain of death or transportation. The other is, to regulate the schools of anatomy, by a legislative measure, and to supply a sufficient number of dead bodies for dissection in such way as shall effectually prevent the occurrence of these crimes in future, and admit of the science of anatomy being cultivated with advantage and safety to the public. It is to this latter mode I shall confine my present observations. In my former letter, page 31, I pointed out the five following sources from which a sufficient supply of dead bodies might be obtained, and in a manner which appears to me to be quite unobjectionable, viz.

1. All persons executed, and for all offences whatsoever.
2. All persons who die under sentence for criminal offences, whether in the hulks, gaol, penitentiary, or elsewhere.
3. All persons who die in gaol, penitentiary, or other place of detention,

or prison, from whatever cause they have been placed there, who have no friends to bury them, and are buried at the expense of the county.

4. All persons found dead, from whatever causes, in highways, canals, or otherwise, and who, having no friends to bury them, are sent to bone-houses for interment, at the expense of the parish or county.

5, *and lastly*. The poor who die in temporary or floating hospitals, or in workhouses, having no friends to bury them, having expressed no wish on the subject, and having no respectable or decent relatives to express it for them, either before or after death.

It is not proposed to interfere by regulations with the bodies of those who die without friends in regularly-established hospitals; it being presumed that the surgeons of those institutions will properly apply them in the instruction of the students committed to their charge. In other words, it is not intended that the public schools of anatomy shall interfere with the private or public instruction delivered by surgeons in their own hospitals.

When gentlemen in their places in the House of Commons say it is the stigma which is attached to the dissection of murderers that prevents other persons either from leaving their own bodies for anatomical purposes, or from permitting those of their friends to be dissected; and that if this stigma were removed, the reverse would take place, and that people would allow themselves and their friends to be dissected, as freely as the anatomical student can desire; I cannot refrain from enquiring what proof they have of the assertion? And I do not hesitate to say, with all due submission, that they have no proof whatever; and if they will not feel offended at the remark, I will add, that they have adopted the opinion on the faith of some one of their medical acquaintance, or of some reviewer, without making any substantial investigation of the subject for themselves. It is a very fashionable opinion I admit among medical men in the present day, but will any one man in the profession who maintains it, affirm that he is himself deterred from leaving his body for dissection by the stigma. I do not believe there is a single man who will answer yes. They know better. The late Dr. Gooch first broached to the public, in the Quarterly Review, the insufferable doctrine that the poor and honest man should be dissected, because he was poor; and that the murderer, the thief, and the rogue should escape this process, because the doctors, forsooth, declare it to be an unobjectionable one, which all poor men should like, and which rogues and thieves disgrace, and to which they attach a stigma. But did he act up to the opinion he thus edited? Did he set an example of his belief in it, by leaving his body for dissection?—He did no such thing: but when he died, which happened shortly afterwards, he took care to have himself buried in the usual manner. I have argued in my former letter, page 6, that there is no more reason for a medical man's giving up his body for anatomical purposes than for any other person: this I argued on general principles; but if a medical man maintains the opinion that dissection is an unobjectionable process which people ought to submit the dead bodies of their friends to for the sake of science and the benefit of the living, I in my turn maintain, that they are bound to set the example. Will they do it, or have they done it? The late Mr. Abernethy was a student and teacher of anatomy for nearly fifty years—a sufficient length of time, it will be admitted,

to have enabled him to overcome all prejudice against dissection, and to have satisfied him that it was a process all honest men should be submitted to. The reader will be desirous to know what effect it had upon him, what his directions were for the good of science and of mankind. They were, I believe, that he should not even be OPENED, much more given over for anatomical purposes; and his family followed him to the grave, as all good men should be followed, and did their best to preserve his remains inviolate. The instance of the late Mr. Bennett, professor of anatomy in the London University, is even stronger. He was a gentleman notoriously addicted to dissection, and was one of those most prominent in his endeavours to secure the success of Mr. Warburton's late Bill, which handed over the poor in every part of Great Britain for dissection. He died of a doubtful complaint, after a long and lingering illness. He knew that his medical friends wished to ascertain the cause of death, but so strong was his prejudice as regarded himself, that he left the most positive directions that he should not EVEN BE OPENED, that is, merely examined to ascertain the nature of his disease. He left the direction with so many people, that they felt they could not break through it, and yield to the solicitations of the physicians who had attended him during his illness. Will any one say this repugnance to be even opened arose from the circumstance of murderers being dissected? No; every one must acknowledge that it did not; but that it was caused by a strong prejudice he entertained on the subject, which neither time, reason, nor a life employed in dissection could remove, but had, on the contrary, strongly confirmed. Has any one poor man been ever known to say that he would leave his body for dissection if murderers were not dissected by law? I answer confidently not one; but that they all have, and cherish, and will continue to cherish, the same prejudice as Mr. Bennett.

The late Sir William Myers was mortally wounded whilst on horseback at the head of the Fusilier Brigade at the battle of Albuhera, by a musket-ball, which broke his right thigh, and passed upwards into the body. I had him carried to the village of Valverde, and soon saw that he was dying from mortification of the bowels. At one o'clock in the morning he asked me to tell him the truth as to his situation, without reserve, and on my doing so, his reply was, "How many envied me the command of the Fusiliers a few hours ago—how few will envy me now." He then said "he had one favour to ask of me, which, if I would promise to grant, he should die contented." I pledged my word; and he then said, "You know I have always insisted upon the surgeons of my regiment and of the brigade having the right of examining the bodies of all the men who died in quarters, and that I frequently attended myself to countenance the proceeding. You say my wound is as extraordinary as it is unfortunate. I have, I confess it, a prejudice against being opened, of which I am ashamed, but which I cannot get the better of;—promise me that it shall not be done." I promised. He shook my hand and said, all his other affairs were settled. At three o'clock I laid down to rest until day-light, when I found he had just expired.

This gallant soldier's prejudice was just as strong as Mr. Abernethy's or Mr. Bennett's; but no one, I feel convinced, will say it had any thing to do with the dissection of murderers. Bishop and Williams, it is said, were more distressed at the idea of being dissected, than at being hanged. They, like Mr. Abernethy, Mr. Bennett, Sir W. Myers and myself, knew too

much of the process to like it. I personally have no objection to being opened and examined as to the cause of death, but I do not intend to be dissected, if I can avoid it; and if any man were to say to me that he supposed my objection would be removed as soon as the dissection of murderers was done away, I should only be prevented by civility from laughing at him.

The last medical writer who has advocated the opinion of the necessity of repealing the law which makes dissection part and parcel of the punishment for crime, says—"By repealing the law which makes dissection part and parcel of the punishment for crime, it will lose its disgraceful character, and become merely an imaginary hardship. But still it will be a hardship, and to whom? to the dead? it matters not to them. By taking the bodies of unclaimed paupers only, the feelings of friends are not wounded; and the only individual who can feel a pang is the dying pauper himself. Those who see much of death in the lowest classes will probably admit that, with such a person, such consideration will commonly have little weight. If they think of it at all, they will think of it as an evil inseparable from their lot, and not to be ranked with the many positive ills they suffer. It must not be forgotten that the unclaimed poor in our hospitals and almshouses are mostly those whose lives have been vicious and characters abandoned—the prostitute, the vagrant, and the sot. If any are to suffer after death for the community, it should surely be those who have contributed evil rather than good to it when living."

The last two sentences appear to be conclusive, but they are directly subversive of the opinion he advocates. He says he will take the poor because they have been mostly prostitutes and sots: that is, he will take the small rogues, who have committed crimes not quite worthy of hanging, of the hulks, or of the penitentiary; but he will not have the big rogues, who have committed murder, forgery, robbery, rape, or arson. To dissect such great rogues, according to Act of Parliament, would be a disgrace to the art; but to dissect the poorer small rogues, by the same Act of Parliament, (for by an Act of Parliament can it alone be done,) would be no disgrace at all, either to the art or to the individuals. Now the obtuseness of my intellect is so great, that I cannot understand the justice of this; and my principles are so absurd and so unenlightened, that I should positively prefer the rogue, the thief, the assassin, as subjects for dissection, to the unhappy poor person who has only been a prostitute from necessity perhaps, rather than from vice, or a drunkard and sot, who during life had only injured himself. Moreover, by taking the culprit, the rich man and the gentleman convicted of crime stand an equal chance with the poor man, who is equally guilty of the same crime. In the other case, it is the poor man who alone suffers; the rich man, be he murderer, forger, robber, or any thing else, escapes—which I do not believe to be just.

If it is supposed that I am contending for the bodies of murderers only, it is a mistake;—I am arguing on the broad principle, that every man who dies under a criminal sentence should be delivered over for dissection; and that every suicide who destroys himself in gaol to avoid, in all probability, a criminal sentence, should equally be delivered up. There is, I acknowledge, some trouble attending this, and there cannot be a doubt of its being much more convenient to send to a poor-house and take the bodies of the poor

as they are wanted; but is it the justice which every man has a right to expect will be the foundation of an Act of Parliament? I answer distinctly that it is not: that it is a direct violation of the first principles of it, and a most wicked degradation of the poor man to take him for the sole purpose of convenience, as long as there is a convicted criminal who might be taken in his place. It is a question between justice and convenience.

The former Bill of Mr. Warburton's which passed through the House of Commons was one of the most oppressive, unjust, and impracticable bills ever introduced into either House of Parliament. It was quite impossible to work it by the clauses as they appeared in the Bill, and therefore it was that I described it as a Bill which "said every thing but what it meant, and meant every thing but what it said." Nevertheless I am informed it was revised and corrected by more than one of the ablest men on both sides of the Commons; and if this be true it only shews that men of the greatest talent and ability should be careful how they legislate on subjects they do not and cannot, from their situation, thoroughly understand. The private nature and effects which would have followed this Bill if it had become a law, were utterly unknown to nearly all the members of the House of Commons who approved of it. They may even have been unknown to its authors; and if this should have been the case, it will, I hope, render gentlemen more cautious in future on such particular subjects, and give rise to a different constitution of the Committees, to which future Bills may be referred.

There are no medical men, professedly as such, in the House of Commons, and none therefore can be placed on the Committee above stairs; but it would be but liberal in Mr. Warburton, or at all events in your Lordship, as the head of the Government in the House of Commons, to allow the Royal Colleges of Physicians and Surgeons to name each, if they wish it, two of their friends, Members of the House, to represent them in the Committee, with whom they might occasionally confer, and who would have the opportunity of stating their opinions on various points with which, it may be reasonably supposed, the members generally are not acquainted. I am aware it may be said that this is not a Committee on a private Bill, and I have no wish to give offence to any one, and particularly to Mr. Warburton, in my reply, when I say that, although the Committees which took this subject into consideration were Committees on public measures, still their proceedings appeared to me to be conducted in the same manner as Committees on private Bills. That is, there were gentlemen attending where opinions were taken privately as well as publicly, on various points. These persons were mostly gentlemen in private life, who approved of the various clauses proposed in that Bill, and who had their own objects in view. There were none present in opposition to them. The questions put to the witnesses by the Select Committee on Anatomy, did not elicit the whole of the opinion of the different individuals who were called before it; not that there was any dishonesty in the proceeding on the part of the Members of the Committee, such a supposition cannot be entertained for a moment; but these gentlemen did not understand the subject fully, and there was only one party present to assist in elucidating it. Few people knew that a Committee on Anatomy was sitting, fewer knew its objects. From these observations I think it will appear more reasonable and fair, that on any future Committee, there shall be an equal chance for all parties, and all opinions. The public will be the gainer,

and a Bill will be the result, by means of which the science of Anatomy may be cultivated with advantage and safety to the public.

It is true that the present Bill now before Parliament is free from the defects of the last, but it is a very insufficient measure. It does effectually only one thing, viz. it legalizes the study of Anatomy, and renders it consistent with the law of the land; and for this the thanks of the whole medical profession are due to Mr. Warburton. If he succeeds in carrying this one point he will have done a good deal for the study of Anatomy, but nothing for the safety of the public. The Bill, as it stands, is a good *cadre* or skeleton, as the French would call it, and a little labour and enquiry on the part of a Committee of one or both Houses of Parliament would make it a safe and effective measure, one which would meet the approbation of all who are capable of reasoning on the subject, and of nine-tenths of those who are not.

I shall now take the liberty of pointing out some of its defects and deficiencies. There should be two Inspectors only for Great Britain, instead of three; and if the best and the most fitting persons for the public service are appointed, there will be no need of a salary at the public expense, which in these times is worth consideration, more particularly when the duty will be as well, if not better done without it.

The clause, page 2, line 28, which renders it lawful for a person having the custody of a dead body to give it up for anatomical purposes, with the consent of the nearest known relative of such person, is a very bad one, inasmuch as it appears to be unlawful to do it except with the consent of such relative. Now as the class of people who are found dead, and are buried at the public expense, and who ought likewise to be given up, have in general no relative to give such consent, they cannot, I conceive, according to this clause, be disposed of for anatomical purposes, and the words "if any" should be introduced after the word relative, which will render it sufficiently comprehensive.

The clause, commencing page 2, line 37, which directs the certificate of the manner in which the person came by his death to be signed by the medical man who attended him, is good; but the remaining part of it, which directs—"if no medical man attend him during the illness whereof he died, that then some one medical man called in expressly to view the body shall give the certificate,"—is very absurd, because he cannot in many cases, I had almost said in any case, honestly and conscientiously give it. It is the duty of the Coroner after hearing evidence to do so. At all events, I have no hesitation in saying, that if a medical man called in only after the death of a person should give a certificate on merely viewing the body, of the manner in which such person came by his death, he would richly deserve the tread-mill.

The principal deficiencies are to be found, in the utter negligence of the feelings of the public at large.

1st. If an Act of Parliament be made to legalize dissection, and to supply dead bodies for anatomical purposes, (and the Bill means this or it means nothing,) the public has a right to demand a security from resurrection-men, and that the horrible traffic in dead bodies should be annihilated.

2d. Public Schools of Anatomy should only be allowed in large towns where there are Hospitals competent for the purposes of education, and where alone they are of real utility. Upon this point the Act of Parliament should be precise and definite, and any Bill without such clause, professing

to regulate Schools of Anatomy ought to be entitled "a Bill for encouraging the erection of human shambles throughout the country."

3d. No School of Anatomy should be opened without a license previously obtained from the Secretary of State; the application for which should be made, if in England, through the Council of the Royal College of Surgeons of London; and if in Scotland, through the Royal College of Surgeons of Edinburgh; these authorities being bound to forward it with their remarks, and with the least possible delay. The Royal Universities or Foundation in both countries being excepted. The license should cost nothing, and it should be imperative on each public school to have private rooms for the accommodation of gentlemen already in practice, and who might be desirous of renewing their anatomical knowledge.

There are many other very important points which a Committee of either House of Parliament will do well to investigate. For instance. It would be well worth enquiring whether a tax of not more than two pounds on each body given up by the public might not be desirable; the proceeds to be applied in aid of the Poor or County Rates? Whether it is desirable to permit dissection in private houses? How far it may lead to crime, and afford a cover for the commission of murder? Whether the system of importation and exportation from place to place should be allowed, and if it be allowed, under what restrictions? What safeguards there ought to be against those indecencies which every now and then take place even at present in the removal of dead bodies? Whether importation from France has not been tried and found to have failed?

If I were to continue my remarks I should write a book instead of a pamphlet, and thus prevent its being read by those for whom it is intended. I trust, however I have said enough to satisfy most men, that every part of this subject deserves investigation by an impartial and liberal Committee of one or both Houses of Parliament. If such a Committee should be formed, it shall not be my fault if I have not the honor of bringing proof of what I conceive to be the correctness of my views and opinions; and if in the course of these observations I have given pain to any one, I beg to apologize for it. I am warmly interested I confess in the question, but I have neither private feelings nor interests to gratify.

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